

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. Serial No. 09/705,971
Filed: November 3, 2000

REMARKS

This Amendment and Response amends claims 1, 9, and 22 and add new claims 31-58. With this Amendment and Response, claims 1-58 are pending in this application. A check in the amount of \$504.00 is enclosed to cover these additions. Additionally, a petition for a time extension and check for the extension period in the amount of \$930 is enclosed. No further fees are due; however, the Patent Office is authorized to debit deposit account 11-0855 if it determines otherwise.

I. 35 U.S.C. § 102 Rejections

The Action rejects claims 1-6, 9, 12, 13, 15, 16, 24, and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,569,067 to Meyn ("Meyn '067"). Applicants respectfully traverse this rejection and ask that it be withdrawn.

Claim 1 has been amended to incorporate some of the subject matter of claim 9. Claim 1 now recites supply means adapted to supply only selected animals or parts thereof from a supply conveyor to the at least one slot of a transfer conveyor. Meyn '067 fails to teach or suggest at least this structure recited in amended claim 1.

Meyn '067 teaches an apparatus "for separating into parts an entrails package removed from a slaughtered bird, said package generally comprising gizzard, proventriculus, heart, lungs, liver, gallbladder, and intestines." Meyn '067, col. 3, line 65 to col. 4, line 1. Meyn '067 discloses feeding entrail packages via slot 3 into slot 5 and moving the packages along slot 5 past processing stations that remove parts of the entrails. The entrail parts are removed until only the liver 22 and the gallbladder with intestines 15 remain in slot 5, after which these parts "may be discharged individually in any appropriate way." Meyn '067, col. 6, lines 24-27.

However, Meyn '067 fails to teach a supply conveyor, a transfer conveyor, and a supply means capable of transferring only selected animals or parts thereof from the supply conveyor to the transfer conveyor, as recited in amended claim 1. To begin, the Action analogizes slot 3 to the recited supply means and slot 5 to the recited conveyor slot. Even assuming, *arguendo*, that slot 3 is properly analogized to the recited supply means, Meyn '067 then fails to teach a supply conveyor from which slot 3 supplies only selected entrails to slot 5. Moreover, if slot 3 is analogized to the recited supply conveyor, then Meyn '067 fails to teach a supply means that is

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adapted to supply only selective animals or parts thereof from slot 3 to slot 5 (the alleged conveyor slot). Rather, Meyn '067 is totally devoid of any teaching that only selected entrails are supplied to slot 5 for processing. Rather, because slot 3 dead ends into slot 5, any and all entrails moving along slot 3 are forced into slot 5.

The Action maintains that slot 3 is "designed to selectively supply the slaughtered animals or parts thereof to the at least one [conveyor] slot . . ." Action, ¶ 2, p. 4. To supports its position that Meyn '067 includes such a teaching, the Action refers Applicants to figures 1-8 and columns 1-6 of Meyn '067. However figures 1-8 and columns 1-6 constitutes the entire disclosure of Meyn '067. The Action fails to identify specific disclosure in Meyn '067 that slot 3 is capable of supplying only selected entrails to slot 5, undoubtedly because none exists. Rather, as explained above, Meyn '067 provides no teaching or suggestion of a supply means capable of providing only selected entrails from slot 3 to slot 5. For at least this reason, Meyn '067 fails to anticipate or render obvious claim 1, and claim 1 is therefore allowable. Moreover, claims 2-6, 9, 12, 13, 15, 16, 24, and 25 depend from allowable claim 1 and therefore are allowable for at least this reason and may be allowable for additional reasons.

For example, Meyn '067 does not teach a driving member that is able to adopt a position whereby the slaughtered animals or parts thereof cannot be moved from the first station towards the second station, as recited in claim 2. The Action analogizes radial arms 10 to the recited driving member. Arms 10 include an outer end 11 which rides in slot 5 to engage the gizzards 4. (col. 4, lines 24-26 and FIG. 3). The length of arms 10 is variable to ensure that end 11 will always be able to ride in slot 5, which has a path that varies in distance from the central axis 7 of the support 6. Meyn '067, col. 6, lines 11-14. Thus, the lengths of arms 10 are variable to allow end 11 to always engage slot 5 and thus *always* to move the animals or parts thereof in slot 5 from the alleged first station towards the alleged second station. Meyn '067 is devoid of any teaching of a drive member that is able to assume a second position that does not move the animals or parts thereof from the first station towards the second station. Again, the Action cites the entire Meyn '067 disclosure as supporting its broad assertion that Meyn '067 anticipates claim 2 and fails to identify specific disclosure in Meyn '067 of arm 10's ability to adopt a

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position whereby it does not move the animals or parts thereof towards the second station, undoubtedly because none exists. Meyn '067 fails to teach or suggest the subject matter of claim 2 and thus does not anticipate claim 2, or claims 5-8 which depend therefrom, for this additional reason. These claims are therefore allowable for this additional reason.

III. 35 U.S.C. § 103

A. Meyn '067 in view of Brakels et al.

The Action rejects claims 7, 8, 18, and 21-23 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 7, 8, 18, and 21-23 are allowable at least because they all depend from allowable claim 1 and may be allowable for additional reasons.

B. Meyn '067 in view of Hobbel et al.

The Action rejects claims 10-13 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 10-13 are allowable at least by virtue of their dependency from allowable claim 1 and may be allowable for additional reasons.

C. Meyn '067 in view of Hobbel et al. and further in view of Bos et al.

The Action rejects claim 14 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. and further in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. At least because claim 14 depends from allowable claim 1, it too is allowable and may be allowable for additional reasons.

D. Meyn '067 in view of Bos et al.

The Action rejects claim 17 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 17 is allowable at least by virtue of its dependency from allowable claim 1 and may be allowable for additional reasons.

E. Meyn '067 in view of Brakels et al. and further in view of Meyn '472

The Action rejects claims 19 and 20 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. and further in view of Meyn '472. Applicants respectfully

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traverse this rejection and ask that it be withdrawn. Claims 19 and 20 are allowable at least by virtue of their dependency from allowable claim 1 and may be allowable for additional reasons.

F. Meyn '067 in view of Meyn '472

The Action rejects claims 26-30 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 26-30 depend from allowable claim 1 and therefore are allowable for at least this reason and may be allowable for additional reasons.

III. New claims 31-58

New claim 31 recites the subject matter of claim 1 (prior to this amendment) and incorporates part of the subject matter of claim 9 (prior to this amendment). New claim 31 recites discharge means adapted to selectively discharge animals or parts thereof from the conveyor slot. The Action maintains that Meyn '067 teaches "a discharge means for discharging the slaughtered animals or parts thereof from the conveyor" and refers Applicants to column 6 of Meyn '067. Action, ¶2, p. 3. Meyn discloses that the entrail parts remaining after processing "may be discharged individually in any appropriate way." Col. 6, lines 24-27. However, Meyn '067, while disclosing that the entrails can be discharged, fails to teach or suggest the means by which the entrails are discharged and certainly fails to teach or suggest discharge means adapted to *selectively* discharge the entrails.

The present invention teaches a number of embodiments by which the animals or parts thereof are selectively discharged. Such discharge may be based on, for example, the availability of product carriers 3 (see Figure 1 and accompanying text) and certain characteristics of the animals or parts thereof being transferred (see Figures 12, 13a, and 13b and accompanying text). These are but examples of means by which the animals or parts thereof can be selectively discharged. In contrast, Meyn '067 teaches no means by which the entrails are selectively discharged. Rather, at most Meyn '067 teaches that they can be discharged, but provides no teaching or suggestion of how such discharge occurs. Thus, it fails to teach or suggest the subject matter of new claim 31. New claim 31 is therefore allowable. Moreover, claims 32-58

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are allowable at least by virtue of their dependency from allowable claim 31 and may be allowable for additional reasons.

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PETITION FOR THREE-MONTH TIME EXTENSION

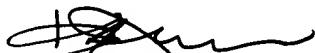
To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on January 3, 2003 be extended for three months, up to and including July 3, 2003. Enclosed is a check in the amount of \$930 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

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CONCLUSION

Applicants respectfully submit that claims 1-58 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.815.6389 to arrange for a telephone interview prior to issuance of a final Office action.

Respectfully submitted,



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